

REMARKS

Claims 10-11, 13-17 and 19-26 are pending with claims 1-9, 12 and 18 canceled, and claims 19-26 added by this paper.

Specification Objections

Applicants have provided a new Abstract of the Disclosure. Consequently, applicants respectfully submit that this objection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claim 10 now includes the substantive features of canceled claim 12. Consequently, applicants respectfully submit that this ground of rejection should be withdrawn. Applicants respectfully submit that this amendment should not be construed as acquiescence to any ground of rejection.

Claim Rejections Under 35 U.S.C. § 103

Claim 12 stands rejected as allegedly being unpatentable over U.S. Patent No. 5,100,509 (Pisecky) in view of U.S. Patent No. 5,773,061 (Getler). The action admits that Pisecky fails to teach or suggest a spray-drying unit located vertically above a downstream fluidized bed in a spray tower, but alleges Getler provides the missing teaching, and additionally, one of skill in the art would allegedly be motivated to provide such a spray-drying unit to create a more compact design. Applicants respectfully traverse these assertions.

First, neither Pisecky nor Getler teach or suggest a spray-drying plant comprising a spray-drying unit and one or more additional spray atomization nozzles for a liquid media in

a spray tower. Failing to teach or suggest all of the claimed features of the invention, applicants respectfully submit that the alleged combination of these references is insufficient to render the claimed invention *prima facie* obvious.

Moreover, there is insufficient motivation for making the suggested modification to Pisecky. As an example, placing a fluidized bed in the spray-drying chamber 3 would appear to place the powder from the atomizer wheel 5 near the outlet duct 10. Consequently, it would appear that the final product would be transferred out of the spray-drying chamber 3 to cyclones 11 and 19. Such a modification of including a fluidized bed in the spray-drying chamber 3 of Pisecky would be undesirable. Consequently, applicants respectfully submit that there is insufficient motivation to combine these references, and therefore no *prima facie* case of obviousness.

Claims 10-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,149,398 (Shaffer) in view of U.S. Patent No. 5,632,100 (Hansen). Applicants respectfully traverse these rejections.

Shaffer discloses a process and apparatus for producing a fast-dissolving granular product, namely calcium hypochlorite (col. 3, lines 10-30). Referring to Fig. 1, Shaffer recycles particles to a turbine agglomerator 18, where a liquid is sprayed onto the particles. The agglomerator increases the particle size and density to that desired via crushing, agglomeration, and compactation by rotating paddles that mix the recycled feed material with the liquid. Afterwards, the agglomerated materials return to the fluidized bed via the fines return conveyor 19. The conveyor 19 appears similarly to the conveyor 12, which is an auger or screw (see col. 3, lines 54-61 and col. 5, lines 24-33).

With respect to Hansen, Hansen discloses a process of producing an agglomerated powder which includes recycling fine powder particles. See col. 2, lines 44-58. Fig. 1 of

Hansen appears to disclose a pump or turbine for moving these dust particles in Hansen's process. Hansen's process and apparatus can be used in a large variety of agglomerate powders, such as dye stuffs and food products. See col. 5, lines 35-40.

However, there appears to be insufficient motivation to include a fan as suggested by the action. Particularly, the particles in Shaffer are combined with a liquid at the turbine agglomerator and densified. Such densification appears to require a mechanical auger to feed these particles back to the fluidized dryer 11. In marked contrast, Hansen, at most, discloses a pump or turbine for moving fine particles. Applicants respectfully submit that there is no suggestion that a fan may be desirable to move the wet, heavy particles disclosed in Shaffer. Consequently, applicants respectfully submit that there is insufficient motivation to make the modifications suggested by the action, and thus, the references are not combinable, and cannot render the invention *prima facie* obvious.

Allowable Subject Matter and Claim Amendments

Applicants acknowledge the allowability of claims 14-17. As such, applicants have provided new claims 19-22 which include the substantive features of claims 14-17. Consequently, applicants respectfully submit that these claims should be indicated as allowed in the next paper from the Office.

In addition, applicants have replaced "characterized in that" with --wherein-- in claims 11 and 13-17, "characterized by" with --comprising-- in claim 10, deleted reference numerals and letters from claims 10, 11 and 13-17, added articles before various nouns, e.g., the term "fan" in claim 10, and added punctuation in, e.g., claim 10. Applicants respectfully submit that these changes do not narrow the scope of the claims, and are merely made to conform the claims to typical U.S. prosecution practice.

In view of the above, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

James E. Ruland, Reg. No. 37,432
Attorney for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2330

Date: November 18, 2003

K:\merck\2330\Reply to 8-18-03 OA.doc